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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

: **Confirmation No. 6705**

RECEIVED

Kunihiko IIZUKA et al.

: Docket No. 2001_1460A

JUL 10 2003

Serial No. 09/937,221

: Group Art Unit 1624

TECH CENTER 1600/2900

Filed July 18, 2002

: Examiner Bernard I. Dentz

AGENT FOR PROPHYLAXIS AND
TREATMENT OF INTERSTITIAL
PNEUMONIA AND PULMONARY FIBROSIS

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Official Action dated June 9, 2003.

The Official Action constitutes a requirement for restriction.

Applicants elect to prosecute the invention of Group II, with traverse.

The present application is related to U.S. Patent No. 6,218,410, which issued from a U.S. National Stage Application Serial No. 09/242,261 based upon International Application No. PCT/JP97/02793. The International Application was published under Publication No. WO98/06433, cited in the International Search Report which was submitted with the Information Disclosure statement in the present application filed on September 24, 2001. The Assignee of the '410 patent Yoshitomi Pharmaceutical Industries, Ltd., is now also the Assignee of the present application, Mitsubishi Pharma Corporation, as a result of a merger.

The claims of the '410 patent are limited to a method for inhibiting Rho kinase by administering an effective amount of a Rho kinase inhibitor compound of the formula (I). The compound of the formula (I) as originally claimed in the '261 application is very close to the compound of the formula (I) defined in claim 2 of the present application.

During prosecution of the '261 application, the Examiner required restriction of the compound of the formula (I). In response to the Restriction Requirement, Rc was limited to an optionally substituted pyridine, triazine, pyrimidine, pyrrolopyridine, pyrazolopyridine, pyrazolopyrimidine, 2,3-dihydropyrrolopyridine, imidazopyridine, pyrrolopyrimidine, imidazopyrimidine, pyrrolotriazine, pyrazolotriazine, triazolopyridine, triazolopyrimidine, or 2,3-dihydropyrrolopyrimidine. In addition, Ra was limited to the formula (a) or (b).

The Assignee is most interested in obtaining an allowance of patent claims in the present application which have the same definition of Rc as the scope allowed in the '410 patent.

Accordingly, the Examiner is kindly requested to reconsider the Restriction Requirement and agree to examine the compound of formula (I) defined in claim 2, wherein Rc is limited to the definition in the '410 patent.

Should the scope of such a compound claim be too broad to search, the Assignee would suggest that the compound of formula (I) of claim 2 be further limited to Ra having the formula (a) or (b).

Should such a compound claim still be too broad to search, the Assignee would agree that Ra be limited to the compound of formula (a) only.

The Assignee would sincerely appreciate the Examiner reconsidering the Restriction Requirement and examining the proposed subject matter.

Lastly, the Examiner requested confirmation whether the claim term "agent" was intended to mean a "compound" or "composition". In reply, the term "agent" in the specification and claims is intended to mean a "compound".

Favorable action on the merits is solicited.

Respectfully submitted,

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July 9, 2003